

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on March 27, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: Rep. Dave Gallik, Vice Chairman (D)

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 404, SB 447, SB 481, SB 486, SB 523, 3/16/2007
Executive Action: SB 228, SB 346, SB 282, SB 246, SB 224, SB 193, SB 177, SB 169

HEARING ON SB 523

Opening Statement by Sponsor:

00:01:12 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 523, Revise court of record.

Proponents' Testimony:

00:04:01 Andrea Olson, Montana Trial Lawyers Association

Opponents' Testimony: None

Informational Testimony:

00:04:55 Jim Shea, Judge, Worker's Compensation Court, State of Montana

Questions from Committee Members and Responses:

00:06:36 Rep. Stoker

00:06:40 Judge Shea

Closing by Sponsor:

00:06:54 Sen. Laslovich

HEARING ON SB 404

Opening Statement by Sponsor:

00:08:15 Sen. Greg Lind (D), SD 50, opened the hearing on SB 404, Revise liability for wild land fires.

Proponents' Testimony:

00:10:09 Bob Harrington, Administrator, Forestry Division, Department of Natural Resources and Conservation, State of Montana

[EXHIBIT\(juh65a01\)](#)

[EXHIBIT\(juh65a02\)](#)

[EXHIBIT\(juh65a03\)](#)

[EXHIBIT\(juh65a04\)](#)

00:22:51 Harold Blattie, Executive Director, Montana Association of Counties

00:26:25 Brett Waters, President, Montana County Fire Wardens Association, Montana Fire Alliance, Fire Chief, Central Valley Fire Department

00:32:43 Brian Crandell, Montana Mutual Aid Group, Central
Valley Fire Department
00:34:34 John Prinkki, Carbon County Commissioner, President,
Montana Association of Counties
00:35:35 John Semple, Montana Fire Alliance
00:36:08 Pat Keim, self, Captain, Baxendale Volunteer Fire
Department
00:37:30 Andrea Olson, Montana Trial Lawyers Association

Opponents' Testimony: None

Informational Testimony:

00:38:45 Bill Gianoulis, Chief Defense Council, Risk
Management and Tort Defense, State of Montana

Questions from Committee Members and Responses:

00:41:53 Rep. Stoker
00:42:03 Mr. Harrington
00:42:55 Rep. Driscoll
00:43:43 Mr. Harrington
00:43:56 Rep. Peterson
00:44:21 Mr. Gianoulis
00:47:24 Mr. Harrington
00:51:15 Rep. Cordier
00:52:31 Ms. Olson
00:55:34 Rep. Koopman
00:56:51 Mr. Harrington
01:03:44 Rep. Rice
01:04:28 Mr. Harrington
01:07:03 Rep. Peterson
01:08:21 Mr. Harrington

Closing by Sponsor:

01:09:36 Sen. Lind

HEARING ON SB 486

Opening Statement by Sponsor:

01:10:57 Sen. Jim Shockley (R), SD 45, opened the hearing on SB
486, Revise aggravated assault law.

Proponents' Testimony:

01:14:33 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence

[EXHIBIT\(juh65a05\)](#)

[EXHIBIT\(juh65a06\)](#)

[EXHIBIT\(juh65a07\)](#)

01:17:11 Ali Bovington, Assistant Attorney General, Department
of Justice, State of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:18:45 Rep. Peterson
01:19:40 Sen. Shockley
01:20:27 Rep. Koopman
01:22:19 Sen. Shockley
01:23:10 Rep. French
01:23:29 Sen. Shockley
01:24:43 Rep. Stoker
01:25:06 Sen. Shockley
01:25:16 Rep. Rice
01:25:31 Sen. Shockley
01:27:14 Rep. Peterson
01:27:35 Sen. Shockley

Closing by Sponsor:

01:28:09 Sen. Shockley

01:29:05 Break
01:43:46 Reconvene

HEARING ON SB 447

Opening Statement by Sponsor:

01:43:57 Sen. Gary Perry (R), SD 35, opened the hearing on SB
447, Revise victim's rights laws.

Proponents' Testimony:

01:47:25 Jennifer Hill-Hart, Montana Coalition Against Domestic
and Sexual Violence

[EXHIBIT\(juh65a08\)](#)

01:50:38 Rose Everett, Crime Victim's Advisory Council,
Mediator, Montana Mediation Association
01:53:54 Sally Hilander, Staff Liaison, Crime Victim Advisory
Council, Department of Corrections, State of
Montana
01:56:04 Ali Bovington, Assistant Attorney General, Department
of Justice, State of Montana
01:58:31 Mike Weber, Richland County Attorney, President,
Montana County Attorneys Association

Opponents' Testimony: None

Informational Testimony:

01:59:18 Mary Phippen, Montana Association Clerks of District
Courts

Questions from Committee Members and Responses:

01:59:56 Rep. Koopman
02:00:30 Sen. Perry
02:00:52 Mr. Weber
02:03:15 Rep. Peterson
02:04:09 Mr. Weber
02:05:40 Ms. Bovington
02:07:38 Rep. Cordier
02:08:13 Ms. Bovington

Closing by Sponsor:

02:09:24 Sen. Perry

HEARING ON SB 481

Opening Statement by Sponsor:

02:11:10 Sen. David Wanzonried (D), SD 49, opened the hearing
on SB 481, Informed consent for marriage.

[**EXHIBIT\(juh65a09\)**](#)

Proponents' Testimony:

02:15:42 Tara Veazey, Attorney, Montana Legal Services
02:17:41 Olivia Riutta, Working for Equality and
Economic Liberation (WEEL)

[**EXHIBIT\(juh65a10\)**](#)

02:20:02 Kelsen Young, Montana Coalition Against Domestic and
Sexual Violence

Opponents' Testimony:

02:21:15 Lynn Stumberg, Eagle Forum

Informational Testimony: None

Questions from Committee Members and Responses:

02:22:17 Rep. Kottel
02:23:15 Sen. Wanzenried
02:28:18 Rep. McGillvray
02:28:42 Sen. Wanzenried
02:29:05 Ms. Phippen
02:30:26 Sen. Wanzenried
02:33:45 Rep. Stoker
02:34:10 Sen. Wanzenried
02:36:51 Rep. Ward
02:37:49 Ms. Stumberg
02:38:20 Rep. Jore
02:40:01 Sen. Wanzenried
02:40:49 Rep. Koopman
02:42:45 Sen. Wanzenried
02:45:16 Ms. Riutta
02:45:25 Rep. Raser
02:46:00 Sen. Wanzenried
02:46:24 Ms. Phippen
02:49:35 Rep. Peterson
02:50:49 Sen. Wanzenried
02:52:50 Rep. Cordier
02:53:59 Sen. Wanzenried
02:56:07 Ms. Phippen
02:57:39 Rep. Ward
02:59:10 Sen. Wanzenried
03:00:27 Rep. McGillvray
03:00:47 Sen. Wanzenried
03:01:46 Rep. Peterson
03:02:23 Sen. Wanzenried
03:02:43 Rep. Koopman
03:03:28 Sen. Wanzenried

Closing by Sponsor:

03:04:35 Sen. Wanzenried

EXECUTIVE ACTION ON SB 169

03:09:01 **Motion/Vote:** Rep. Stoker moved that **SB 169 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Gallik, Ebinger, Ward, O'Hara voted by proxy. Rep. Peterson to carry on House Floor.

EXECUTIVE ACTION ON SB 177

03:12:05 **Motion/Vote:** Rep. McGillvray moved that **SB 177 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Gallik, Ebinger and Ward voted by proxy. Rep. Gallik to carry on House Floor.

EXECUTIVE ACTION ON SB 193

03:13:04 **Motion/Vote:** Rep. Stoker moved that **SB 193 BE CONCURRED IN**. Motion carried unanimously by voice vote. Reps. Gallik and Ward voted by proxy. Rep. Cordier to carry on House Floor.

EXECUTIVE ACTION ON SB 228

03:14:56 **Motion:** Rep. McGillvray moved that **SB 228 BE CONCURRED IN**.

Discussion:

03:15:23 Rep. Stoker
03:15:34 Rep. French
03:15:42 Rep. Driscoll
03:16:09 Rep. Koopman
03:17:37 Rep. Rice
03:17:44 Rep. McGillvray
03:17:59 Rep. Stoker
03:18:32 Rep. Kottel
03:19:50 Rep. Raser
03:20:03 David Niss, Legislative Services

03:21:04 **Vote:** Motion that **SB 228 BE CONCURRED IN** failed 6-11 by roll call vote with Reps. Gallik, Koopman, Cordier, O'Hara, Kottel, and Ebinger voting aye. Rep. Gallik voted by proxy.

03:21:48 **Motion/Vote:** Rep. Ward moved that **SB 228 BE TABLED AND THE VOTE REVERSED**. Motion carried by voice vote.

EXECUTIVE ACTION ON SB 224

03:22:22 **Motion:** Rep. Stoker moved that **SB 224 BE CONCURRED IN.**

Discussion:

03:22:50 Rep. Cordier
03:23:11 Rep. Driscoll
03:24:10 Rep. O'Hara
03:24:31 Rep. Peterson
03:25:07 Rep. Kerns
03:25:17 Rep. Rice
03:25:35 Rep. Ward
03:26:24 Rep. Jore
03:26:57 Rep. Ebinger
03:27:40 Rep. McGillvray
03:28:31 Rep. French
03:29:44 Rep. O'Hara

03:30:56 **Vote:** Motion that **SB 224 BE CONCURRED IN** carried 9-8 by roll call vote with Reps. Gallik, Everett, Koopman, Kerns, Driscoll, Ward, Jore, and Rice voting no. Rep. Gallik voted by proxy. Rep. Peterson to carry on House Floor.

03:32:59 Rep. French
33:33:15 Rep. Raser

EXECUTIVE ACTION ON SB 246

03:33:51 **Motion/Vote:** Rep. Stoker moved that **SB 246 BE CONCURRED IN.** Motion carried 16-1 by voice vote with Rep. Jore voting no. Rep. Gallik voted by proxy. Rep. Driscoll to carry on House Floor

EXECUTIVE ACTION ON SB 282

03:34:57 **Motion:** Rep. Stoker moved that **SB 282 BE CONCURRED IN.**

Discussion:

03:35:31 Rep. Kottel

03:36:08 **Vote:** Motion that **SB 282 BE CONCURRED IN** carried unanimously by voice vote. Rep. Gallik voted by proxy. Rep. Ward to carry on House Floor.

03:36:56 Mr. Niss
3:37:21 Rep. Stoker
03:37:34 Rep. Raser

EXECUTIVE ACTION ON SB 346

03:38:44 **Motion:** Rep. Stoker moved **SB 346 BE CONCURRED IN.**

03:39:18 **Motion:** Rep. Jore moved that **SB 346 BE AMENDED with a CONCEPTUAL AMENDMENT TO STRIKE UNAUTHORIZED AND REPLACE WITH ILLEGAL.**

Discussion:

03:40:25 Mr. Niss
03:41:18 Rep. Jore withdrew the conceptual amendment.
03:43:00 Rep. Ebinger
03:43:24 Rep. Peterson
03:44:21 Rep. Kottel

03:45:23 **Motion:** Rep. Koopman moved that **SB 346 BE AMENDED with a CONCEPTUAL AMENDMENT TO REQUIRE CONTRACTOR TO COMPLETE I9 FORM and VERIFY SOCIAL SECURITY NUMBER.**

Discussion:

03:46:59 Rep. Peterson
03:47:29 Rep. Kottel
03:49:19 Rep. Kerns
03:49:43 Rep. French
03:50:16 Rep. Kottel
03:50:59 Rep. French
03:51:11 Rep. Rice
03:51:32 Rep. Stoker
03:52:22 Rep. Kottel
03:54:30 Rep. French
03:54:51 Rep. Raser
03:56:04 Rep. Ebinger
03:56:59 Rep. Rice
03:57:22 Rep. Peterson
03:58:18 Rep. Raser
03:58:24 Rep. O'Hara
03:59:14 Rep. Koopman withdrew the conceptual amendment.
04:00:51 Rep. French

04:01:45 **Vote:** Motion that **SB 346 BE CONCURRED IN** failed 7-10 by roll call vote with Reps. Gallik, Everett, Raser,

Cordier, Driscoll, Kottel, and Ebinger voting aye. Rep. Gallik and Raser voted by proxy.

04:02:2:28 Motion/Vote: Rep. Stoker moved that **SB 346 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

Additional Exhibit:

SB 347 heard on 3/23/07:

[EXHIBIT\(juh65a11\)](#)

ADJOURNMENT

Adjournment: 12:07 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh65aad.pdf](#))